

February 14, 2007

To: Committee Members
Re: HB 425 and HB 588

Dear Committee Members,

I would like to submit my thoughts on these two House Bills for your consideration.

For the last four years I have been very involved in land use issues in the community I live. As a result I have also sat in on many of the County Commission meetings in Gallatin County. As in many other areas of Montana we have experienced explosive growth and development. Some of it good and some of it not so good.

It is my understanding the original adoption of Family Transfer exemptions addressed in Section 4, line 3 (b) was for the purpose of allowing sons or daughters of ranching or farming families a way in which they could affordably receive a parcel of land, build a home and continue to work the farm and ranch. It was a good idea with good intentions and certainly in some situations has been legitimately used for that purpose.

Unfortunately, the use of the family transfer exemption discussed in HB 425, Section 4, 3 (b) has been one of the most abused loopholes in avoiding sub division review in our area. Just several years ago a local rancher that lives only a mile away from me stood in front of the Gallatin County Commissioners and testified that he wanted to transfer parcels of land to his children. He also stated that they had no intention of selling the parcels and that he was giving them the individual properties so they could be close to him and have a place to live. The Commissioners approved the family transfers based on his good faith testimony. Within approximately three months almost every parcel was sold by the children to people who built houses on them totally avoiding sub division review. This is only one of many stories where this has occurred.

I realize that Section 4, (e) on page 5 tries to address this problem by stating that no parcel can be sold for a period of two years. Although this may be a start it's really only a band-aid fix. I believe that many landowners will view this as a sign that the Montana State Legislature is now giving their approval to such actions (and to such development) as long as they hold the property for two years. This does very little in allowing County Commissions and Planning offices the ability to make sure that growth is well planned. Since most of these type of properties are in agricultural areas (although not always) it will lead to leap frog development which may be difficult to provide services for such things as fire and police.

I believe strongly that this will simply open the door for unplanned development in many areas. At the very least I would recommend a minimum of 5 years that a person be required to own the land. If property is legitimately being transferred under the Family Transfer Exemption and for the reasons it was originally adopted then this lengthened time should not be a problem. If something does come up where a parcel needs to be sold

as a result of an unseen and serious emergency then let them go before the governing body at that time and request an exemption, which would allow the parcel to be sold.

The language in HB 588 Section 2, 23 (b) on page 3 raises even more concerns for me as this appears to also open the door for landowners to transfer parcels as an occasional gift or sale but does nothing to prevent that same gift or occasional sale to be turned around and sold without any waiting period. Once again it avoids sub division review and makes it extremely difficult for good planned development. This language should be removed entirely and not be an exemption or at the very least contain the same language as HB 425, which I previously addressed.

With the growth and development we are seeing in many parts of Montana and because of the many abuses and loophole used this issue needs to be firmly addressed.

Thank You,
Sincerely,

Jim Loessberg
11550 Gee Norman Rd
Belgrade, MT 59714